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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,733	09/20/2000	James A. Creighton	P04589US0	6043

7590

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 11/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/666,733

Applicant(s)

Creighton et al.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 8, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 7, 8, 13, and 21-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 8, 13, and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### DETAILED ACTION

1. The amendment filed September 8, 2003 has been entered. It is noted that the status indication for file copy of claim 13 has been changed from "Previously Presented" to "Currently Amended" because an amendment has been made thereto.

#### *Claim Rejections - 35 USC § 112*

2. Claims 1, 5, 7, 8, 13 and 21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2,<sup>✓</sup> no transition word or phrase has been set forth, and thus it is not clear as to what is considered to be the claimed invention, and it is suggested to insert -- , comprising-- after "members" or the like; in lines 7-15,<sup>✓</sup> the recitation of "a start position" and "said start position" renders the claim vague and indefinite since there is not one start position but rather a plurality of start positions; in lines 10 and 13, "said guide mechanism being movable on said frame" is vague and indefinite as to what is being set forth and appears to be inaccurate since the guide mechanism is not movable as recited but rather only a portion thereof; regarding the last two rejections, the following changes are suggested for lines 6-15:

-- a guide mechanism mounting said knife to said supporting frame for movement of said knife from [a] one of a plurality of start positions wherein said knife is positioned spaced

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from said cutting table and said stack of sheet members to a cut position wherein said knife moves towards said cutting table and trims or cuts said stack of sheet members; at least a portion of said guide mechanism being movable on said frame to a first guide position causing said knife to be positioned in a first start position and to move in a first direction relative to said cutting edge axis when moving from said first start position to said cut position;

at least said portion of said guide mechanism being movable on said frame to a second guide position causing said knife to be positioned in a second start position and to move in a second direction opposite from said first direction when moving from said second start position to said cut position;--.

In claim 8, lines 1<sup>✓</sup> and 2<sup>✓</sup>, “said mechanism” is vague as to which mechanism, and it is suggested to insert --guide-- before “mechanism” in line 1<sup>✓</sup>, and to insert --linkage-- before “mechanism” in line 2; also, it is suggested in line 2<sup>✓</sup> to insert --further-- before “comprises” and before “having” for clarity.

In claim 13, lines 10-16<sup>✓</sup>, the recitation of “a start position” and “said start position” renders the claim vague and indefinite since there is not one start position but rather a plurality of start positions, and it is suggested in line 11 to change “a start position” to --one of a plurality of start positions--, in line 14 to change “said start position” to --a first start position--, and in line 16 to change “said start position” to --a second start position--.

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In claim 21, lines 6-18, ✓ the recitation of “a start position” and “said start position” renders the claim vague and indefinite since there is not one start position but rather a plurality of start positions, and it is suggested to make the same or similar changes as those suggested for claim 1; in lines 6, 11 and 15, the recitations directed to “an attachment” render the claims vague and indefinite as to what is being set forth, particularly as to what disclosed structure it refers.

In claim 28, lines 1 ✓ and 2, ✓ “said mechanism” is vague as to which mechanism, and it is suggested to insert --guide-- before “mechanism” in line 1, and to insert --linkage-- before “mechanism” in line 2; also, it is suggested in line 1 ✓ to insert --further-- before “comprises” and in line 2 to insert --further-- before “having” for clarity.

#### *Allowable Subject Matter*

3. Claims 1, 5, 7, 8, 13 and 21-28 appear that they would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

#### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



**Clark F. Dexter**  
**Primary Examiner**  
**Art Unit 3724**

cf  
November 17, 2003